

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST

UNCLAS STATE 014246

E.O. 11652: N/A

TAGS: CDES (MATESCU, JOHN)

SUBJECT: DISPOSITION OF EFFECTS

REF: BUCHAREST 0279

1. AS STATED IN 7 FAM 444.9, DEPT NOT IN POSITION TO RELIEVE CONSULAR OFFICERS OF ANY OF THEIR DUTIES OR RESPONSIBILITIES IN THE CONSERVATION AND SETTLEMENT OF PERSONAL ESTATES OF DECEASED CITIZENS. CONOFF SHOULD REVIEW CAREFULLY PERTINENT SECTIONS OF 7 FAM AND THE APPLICABLE PORTIONS OF 22 USC 1175-1179 AND 22 CFR 72.15-72.55.

2. CONOFF AS PROVISIONAL CONSERVATOR, IS CHARGED WITH COLLECTING AND PRESERVING ESTATE ASSETS UNTIL THEY CAN BE TURNED OVER TO PROPERLY DOCUMENTED ADMINISTRATOR OR EXECUTOR. ONLY THE LATTER ARE AUTHORIZED TO MAKE DISTRIBUTION OF ESTATE ASSETS AND THEY CAN DO SO ONLY IN ACCORDANCE WITH LAW. CONOFF HAS NO ROLE IN DECIDING WHO IS ENTITLED TO ASSETS.

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3. CONOFF SHOULD FOLLOW INSTRUCTIONS CONTAINED IN 7 FAM 444.3-2 RE WILL AND 7 FAM 446 RE ACCEPTABLE PROOF OF ENTITLEMENT TO ESTATE. ORIGINAL WILL SHOULD BE SENT BY

REGISTERED LETTER THROUGH DEPT FACILITIES TO EXECUTOR NAMED THEREIN UNDER COVER APPROPRIATE LETTER REQUESTING DOCUMENTARY PROOF OF ENTITLEMENT (7 FAM 446) AND

DISPOSITION INSTRUCTIONS.

4. MEANWHILE CONOFF SHOULD PREPARE AND FORWARD TO EXECUTOR AND DEPT INVENTORY OF EFFECTS (7 FAM 445.4-2) AND SUPPLEMENTARY LIST OF EFFECTS (7 FAM 445.1-2 (B)).

5. UNLESS CONTRARY TO LOCAL LAW CONOFF SHOULD DISPOSE OF PERSONAL ESTATE AS INSTRUCTED BY EXECUTOR RECOGNIZED BY COURT WHICH HAS PROBATE JURISDICTION (7 FAM 444 OR 22 USC 1175): IF IN U.S., BY CERTIFIED COPY LETTER TESTAMENTARY ISSUED BY COURT WHICH HAS PROBATE JURISDICTION; IF IN ROMANIA, BY APPROPRIATE EQUIVALENT LEGAL DOCUMENT.

6. FUNDS FOUND WITH EFFECTS ARE PART OF PERSONAL ESTATE. SUGGEST: (1) CONOFF PAY RENT FROM THESE FUNDS FOR ADDITIONAL MONTH OR MONTHS, IF NECESSARY; (2) CONOFF TAKE POSSESSION OF PERSONAL EFFECTS DESCRIBED IN 7 FAM 445.1-1 AND TAKE APPROPRIATE STEPS TO SAFEGUARD EFFECTS LEFT IN APT. (3) CONOFF SHOULD PREPARE INVENTORY OF EFFECTS AND LIST OF EFFECTS (SEE PARA 4).

7. CONOFF SHOULD REVIEW PERTINENT LOCAL LAWS TO DETERMINE WHETHER OR NOT DECEDENT'S ESTATE (OR THAT PART OF IT LOCATED IN ROMANIA) IS SUBJECT TO JURISDICTION OF LOCAL COURT BY VIRTUE OF HIS RESIDENCE IN ROMANIA.

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8. CONOFF IS NOT RPT NOT BOUND BY FRIENDS' CLAIMS RE EFFECTS OR FUNDS UNTIL SUCH TIME AS CLAIM IS REDUCED TO JUDGMENT. DOES THE LETTER EXECUTED IN BEHALF OF THE FRIENDS CONSTITUTE A HOLOGRAPHIC WILL? IF NOT, IT MAY HAVE LEGAL STATUS DEPENDING ON THE CONTENTS OF THE WILL AS INTERPRETED BY COURT WHICH HAS PROBATE JURISDICTION. CONOFF SHOULD RETAIN ORIGINAL LETTER FOR THE PRESENT BUT COPY MAY BE SENT TO EXECUTOR IN U.S. IF EXECUTOR AND PROBATE COURT DETERMINE LETTER HAS NO VALIDITY, LOCAL FRIENDS MAY STILL HAVE RECOURSE THROUGH LOCAL JUDICIAL SYSTEM. CONOFF MAY ALSO SUGGEST THAT FRIENDS TAKE UP MATTER WITH LEGAL REPRESENTATIVE OF ESTATE, WHEN IDENTIFIED, OR SEEK LEGAL COUNSEL LOCALLY. CHRISTOPHER

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